

Appl. No. 10/804,483  
Amdt. dated: May 10, 2005  
Reply to Office Action of March 21, 2005

### **REMARKS**

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 7-10 are pending in the subject application, with Claim 10 being in independent format. This Amendment and Reply to the Final Office Action is being filed within 2 months from the mailing date of the Final Office Action (March, 21, 23005).

Claims 1-6 have been canceled in order to expedite allowance of the remaining pending claims. Claims 7 and 8 has been amended to depend from Claim 10.

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

#### ***Claim Rejections – 35 U.S.C. §102(b)***

Claims 1, 2, 4, and 7-9 are rejected under 35 U.S.C. §102(b) as being anticipated by *Cheng* (U.S. Patent No. 6,443,377). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner alleges that *Cheng* discloses a lift seat (27) with a plurality of spokes (272) which moves the lift seat upward or downward and that without the grooves for the spokes (272), *Cheng's* device will not function because lift seat will not move upward or downward, but rotate.

While applicant does not acquiesce in the claim rejections, Claims 1, 2, and 4 have been canceled in order to expedite allowance of the remaining pending claims, and Claims 7 and 8 have been amended to depend from allowable Claim 10.

It is urged that Claims 7-9 are not anticipated by *Cheng* and that the present rejection of the Claims 7-9 under 35 U.S.C. §102(b) may be properly withdrawn.

#### ***Claim Rejections - 35 U.S.C. §103(a)***

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Cheng* in view of *Reeves*.

The Examiner states that *Cheng* discloses substantially all of the claimed structure of applicant's inventive spice mill with the exception for threaded engagement in order to produce

Appl. No. 10/804,483  
Amdt. dated: May 10, 2005  
Reply to Office Action of March 21, 2005

vertical movement of inner grinder by rotating rotatable seat and that *Reeves* discloses a pepper mill with such a threaded engagement. The Examiner concluded that it would have been obvious to one skilled in the art at the time the invention was made to provide *Cheng's* pepper mill with a threaded engagement as taught by *Reeves* in order to produce vertical movement of inner grinder by rotating rotatable seat.

While applicant does not acquiesce in the claim rejections, Claims 5 and 6 have been canceled in order to expedite allowance of the remaining pending claims.

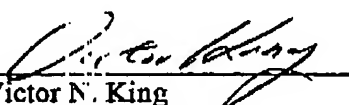
***Allowable Subject Matter***

Applicant notes that Claim 10 is allowable.

***Conclusion***

In view of the above amendments and remarks, applicant believes that he has addressed all of Examiner's concerns. Early consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,

By:   
Victor N. King  
Registration No. 55,963

Date: May 10, 2005

SPECKMAN LAW GROUP PLLC

20601

**Best Available Copy**